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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,090	03/19/2004	William Kokonaski	10551/557	7894
23838	7590	10/07/2005	EXAMINER	
KENYON & KENYON 1500 K STREET NW SUITE 700 WASHINGTON, DC 20005			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/804,090	<b>Applicant(s)</b> KOKONASKI ET AL.	
	<b>Examiner</b> POPE C. DARYL	<b>Art Unit</b> 2632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/12/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rathus et al(5,932,86).

-- In considering claim 1, the claimed subject matter that is met by Rathus et al(Rathus) includes:

1) the flexible carrier material is met by the flexible page(5, column 5, lines 19-20);

2) the electronic display device associated with the material is met by the display screen(6) which is held by the flexible page(column 5, lines 19-20);

3) the controller coupled to display device and causing the device to display arbitrary content is met by the microprocessor(4, column 5, lines 31-39).

- **Rathus does not show:**

1) the controller being programmable, display arbitrary content;

2) the memory to store the content.

Although Rathus does not teach the microprocessor including a programmable

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controller and memory, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate programmable functions as well as memory, such as that of the controller(24, column 5, lines 52-60) of a second embodiment of the invention, since Rathus already desires to provide various functions and materials to be utilized by a user of the system, and therefore incorporation of the programming functions and memory into the microprocessor would have ensured the most versatile display system possible.

-- With regards to claims 2-3, the menu capable of wireless communication and capable of electronically changing an advertisement is met by the printed matter taking the form of a advertisement(see: column 5, lines 23) and the printed matter(1) being in wireless communication with a data server(2, column 5, lines 35-39).

-- In considering claims 4, and 6-7, with regards to the menu being capable of displaying a still image, being connectable to a network, and the World Wide Web, since the printed matter takes the form of a book, it would have been obvious that a still image would have been displayed on the screen, since catalog from a book would have been required be still in order to be read.

Furthermore, since the microcontroller(4) is connected to the data server(2) which constitutes a network, it would have also been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the World Wide Web into the data server, since this would have helped provide the most extensive programming material to be displayed on the screen(6).

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-- With regards to claim 5, the menu being connectable to a computer is met by the programming material being interfaced with a personal computer(see: column 7, lines 14-24).

-- Claims 8-40 recite subject matter that is met as discussed in claims 1-7 above, as well as:

1) the poster, map, publication, and place mat is met by the printed matter in the form of a book, magazine, manual musical score, catalog, advertisement, newspaper, telephone, electronic service directory, or other like means(see: column 5, lines 22-25).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to POPE C. DARYL whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WU J. DANIEL can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

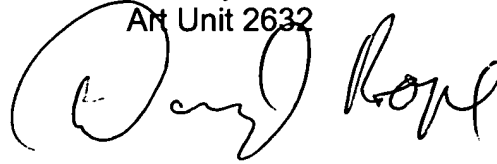
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Daryl C. Pope

Oct. 2, 2005

DARYL C POPE  
Primary Examiner  
Art Unit 2632

A handwritten signature in black ink, appearing to read "Daryl C. Pope", written over the printed name and title.